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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,380	07/18/2003	Richard Alliot	B-4109DIV 621012-4	3187

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Fort Collins, CO 80527-2400

EXAMINER


EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/623,380	Applicant(s) ALLIROT, RICHARD	
	Examiner Anthony Q. Edwards	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>7/24/2004</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

Claim 11 is objected to because of the following informalities: the last word in the claim (i.e., "pocket") should read --socket--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 7, 11, 12, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,572,402 to Jeong et al. (hereafter "Jeong") in view of U.S. Patent No. 6,556,431 to Ozias et al. (hereafter "Ozias"). Referring to claims 1 and 11, Jeong discloses a desktop personal computer appliance (see Fig. 1) for use with external user input and display devices (not shown), the appliance comprising: a displayless and keyboardless system unit (i.e., desktop computer) having a sealed (i.e., not readily openable) housing (1) inherently comprising main processing functionality for executing application programs and at least a DC-DC converter connected to receive DC power from an external socket (not shown) provided in the housing. It is the Examiner's position that the teaching of DC-DC converters (also known as "step-down" converters) is conventional and well-known in the art of desktop computers). Likewise, Jeong inherently discloses the housing provided with external connectors for connection to said external user input and display devices.

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Furthermore, Jeong also discloses a removable data storage device (10) for storing user data associated with said application programs and a user-specific software image containing said application programs, the housing (1) having a recessed portion for receiving the removable data storage device (10) and a movable closure member (20) for enclosing the recessed portion. Jeong lacks the computer appliance having an external power supply having a flying lead connectable to the external socket for supplying DC power to the external socket.

Ozias teaches providing a desktop computer appliance (see the Figure) with an external power supply/adaptor (12) having a flying lead (22) connectable to an external socket for supplying DC power to the external socket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the desktop computer appliance of Jeong with an external power supply having a flying lead, as taught by Ozias, since the device of Ozias would allow for more efficient use of space within the housing of Jeong. Likewise, because the device of Ozias is located outside of the housing, it would also reduce the amount of shielding needed in the housing for the power supply/adaptor of Jeong.

Referring to claim 2, Jeong in view of Ozias inherently discloses a desktop personal computer appliance, wherein the software image includes an operating system.

Referring to claim 5, Jeong in view of Ozias disclose a mounting arrangement for the removable data storage device having retaining pockets or eyes on oppositely facing walls within the computer body. See column 4, lines 58-63 and FIG. 7 of Jeong, which teaches receiving mounting studs or pins 25 extending laterally from the removable data storage unit. Jeong also discloses the pins 25 and eyes (not numbered) engaging to enable the unit to pivot about a first

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axis into an operational position within the recess, and a handle (spring catches 23) mounted on the unit (20) that allows for rotation about an axis parallel to the first axis.

Referring to claims 7 and 19, Jeong in view of Ozias disclose a desktop personal computer appliance, wherein in the closed position the handle (23) lies flush with a surface of the removable unit (20), which is parallel to and facing the opening of the recessed portion. See Fig. 6 of Jeong.

Referring to claim 12, Jeong in view of Ozias discloses a desktop personal computer appliance as claimed, except for the removable data storage device having a memory greater than the memory of the system unit. Official Notice is taken that it is well known and conventional in the art of personal computers to have a greater amount of memory in the removable data storage device than in the system unit. It would have obvious to one of ordinary skill in the art at the time the invention was made to have a greater amount of memory in the removable data storage device than in the system unit, in order to keep the initial costs of the system to a minimum.

Referring to claim 20, Jeong in view of Ozais inherently discloses a desktop personal computer appliance, wherein the software image includes an operating system.

Claims 3, 4, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong in view of Ozias, and further in view of U.S. Patent No. 4,898,009 to Lakoski et al. (hereafter "Lakoski"). Jeong, as modified, discloses the invention as claimed, except for an arrangement for securing a flying lead to an external socket, which includes a cable shroud that is movable to and from a closed position, thereby avoiding accidental disconnection. Lakoski discloses a cable shroud, i.e., a protective cover (30) for a personal computer to cover cabling and cable connectors. The cover (30) is movable to and from a closed position, wherein the closed position

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prevents removal of a flying lead connected to a socket, and a lock mechanism for locking the protective cover in a closed position. Lakoski (see FIG. 1) also discloses a back panel (14) of a computer (10) having communication ports (22), as well as power and keyboard ports (24). The power port (24) would, of course, receive a suitable power cord, which would pass through one of the cable passages (34) in a manner that avoids disconnection from the socket. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the appliance of Jeong to include an arrangement for securing a flying lead, in the form of a lockable protective cover, as taught by Lakoski, to avoid accidental disconnection of the flying lead from an external socket.

Claims 8, 10, 24, 25, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong in view of Ozias, and further in view of U.S. Patent No. 4,937,806 to Babson et al. (hereafter "Babson"). Referring to claims 8, 25 and 26, Jeong, as modified, disclose the invention as claimed, except for a handle mounted on the unit so as to be (1) rotatable about an axis parallel to the first axis, (2) in the closed position, the handle lies flush with a surface of the removable unit that is parallel to and facing the opening of the recessed portion, and (3) the handle is substantially U-shaped with side arms pivotally mounted on respective opposing sides of the unit.

Babson discloses a handle (29) mounted on a removable data storage device or unit (18) so as to be (1) rotatable about an axis parallel to the first axis, (2) in a closed position, the handle lies flush with a surface of the removable unit that is parallel to and facing the opening of the recessed portion, and (3) the handle is substantially U-shaped with side arms pivotally mounted on respective opposing sides of the unit (see Figs. 2 and 3 of Babson).

Likewise, referring to claims 10, 24 and 30, Jeong, as modified, disclose the invention as claimed, except for the mounting tray being shock mounted. Babson also discloses a shock isolated, portable mass data storage device (10) having elastomeric members (62) mounted on its housing (18). The device includes a mounting tray, i.e., canister housing (18) for shock isolation of a standard form factor disk drive (16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the appliance of Jeong to include a shock mount data storage tray with a rotatable, U-shaped handle, as taught by Babson, to allow for easy removal of the data storage device while minimizing the loss of data when the storage is removed.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong in view of Ozias, in view Babson and further in view of Lakoski, wherein an arrangement is provided for securing the flying to its external socket, which includes a cable shroud movable to and from a closed position and a lock mechanism to avoid accidental disconnection.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

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A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 9 and 29 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 7, respectively, of prior U.S. Patent No. 6,731,500. This is a double patenting rejection.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 6 and 13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,731,500 (hereafter Patent '500) in view of Jeong et al. Jeong et al. disclose a displayless and keyboardless personal computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a displayless and keyboardless personal computer, as taught by Jeong, since the device of Jeong is a unitary device that easy to transport and allows for the attachment of a variety of peripheral devices.

Likewise, claims 14-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-16 and 6, respectively of Patent '500 in view of Jeong et al. for the reasons provided above.

Response to Arguments

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent Nos. 6,014,080 to Layson, Jr. and 4,470,769 to Owes disclose devices having tamper resistant seals for discouraging unauthorized access. U.S. Patent No. 6,282,082 to Armitage et al. disclose a desktop personal computer appliance for use with external user input (106) and display (118) devices, the appliance comprising: a displayless and keyboardless system unit (104) having a sealed (i.e., not readily openable) housing.

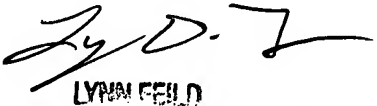
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 30, 2004
aqe


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